

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Christopher David Miller

Docket No. 7:17-CR-124-1D

Petition for Action on Supervised Release

COMES NOW Kyle Kusmierczyk, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Christopher David Miller, who, upon an earlier plea of guilty to Distribution and Possession With Intent to Distribute a Quantity of Heroin, in violation of 21 U.S.C. § 841 (a)(1) and 21 U.S.C. § 841 (b)(1)(C), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on April 11, 2018, to the custody of the Bureau of Prisons for a term of time served. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Christopher David Miller was released from custody on April 11, 2018, at which time the term of supervised release commenced.

/RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

There have been two occasions where our office was unable to determine if Miller was indeed in his residence as ordered by the court. The first time, he stated he was in the house with headphones on and didn't hear the house phone ringing. Lastly, on June 2, 2018, a home visit was attempted and Miller stated he was in his room asleep and didn't hear the probation officer knocking on the door of the residence.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed the original order of six months. The defendant is restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. For the remainder of the Location Monitoring condition, the defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Kyle Kusmierczyk
Kyle Kusmierczyk
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2034
Executed On: June 4, 2018

ORDER OF THE COURT

Considered and ordered this 5 day of June, 2018, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge